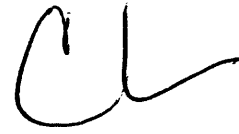


UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



REGINALD SCOTT :  
 :  
Plaintiff, : Civil Action No. 10-5636 (SRC)  
 :  
v. :  
 : **ORDER**  
 : (CLOSED)  
MICHELLE RICCI, et al., :  
 :  
Defendants. :

It appears that:

1. On October 29, 2010, Plaintiff submitted a document for filing. The document was labeled "Notice of Hearing for Evidentiary Petition Pursuant to 28 U.S.C. § 2254 . . ." (Docket entry 1). Plaintiff did not submit a filing fee or an application to proceed in forma pauperis. A review of the submission shows that Plaintiff seeks to have a § 2254 petition held in abeyance while he exhausts his state court remedies.

2. The Clerk of the Court mistakenly docketed the matter as this civil rights case, with a cause of action of 42 U.S.C. § 1983. However, it appears that it would be more properly filed as a habeas petition pursuant to 28 U.S.C. § 2254.

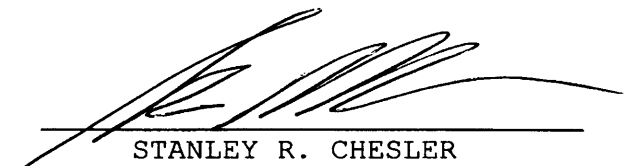
THEREFORE,

It is on this 22<sup>nd</sup> day of March, 2010,

ORDERED that the Clerk of the Court shall administratively terminate this case, without assessing a filing fee, and close this matter; and it is further

ORDERED that the Clerk of the Court shall open a new case, with a cause of action of 28 U.S.C. § 2254, and file Plaintiff's submission (docket entry 1), and this Order, in that case; the filings in the new case shall reflect a filed date of October 29, 2010; and it is finally

ORDERED that the Clerk of the Court shall send Plaintiff a copy of this Order, as well as a copy of the docket sheet for the newly-created habeas case.

  
STANLEY R. CHESLER  
United States District Judge

**Other Orders/Judgments**

2:10-cv-05636-SRC SCOTT v. RICCI et al

**U.S. District Court**

**District of New Jersey [LIVE]**

**Notice of Electronic Filing**

The following transaction was entered on 11/24/2010 at 1:41 PM EST and filed on 11/22/2010

**Case Name:** SCOTT v. RICCI et al

**Case Number:** 2:10-cv-05636-SRC

**Filer:**

**Document Number:** 2

**Docket Text:**

**ORDER that the Clerk shall administratively terminate this case, w/out assessing a filing fee. The Clerk of the Court shall open a new case with a cause of action of 28 U.S.C. 2254, & file Pltf's submission (docket entry #1) and this Order. The filings in the new case shall reflect a filed date of 10/29/10; etc. Signed by Judge Stanley R. Chesler on 11/22/10. (sr, )**

**2:10-cv-05636-SRC Notice has been electronically mailed to:**

**2:10-cv-05636-SRC Notice will not be electronically mailed to::**

REGINALD SCOTT  
293736/201006-C  
NEW JERSEY STATE PRISON  
P.O. BOX 861  
TRENTON, NJ 08625

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=11/24/2010] [FileNumber=4634481-0] [62a54dd8e041be7e8c6c646bb72ebd01a42774f548e37a3507d1802c9898bbb39d23a3d07d3ec850c263fd6a62ce7d9eb2b9ec7a130463c8d3dc161bd74d9346]]